

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE MEETING MINUTES
Charlotte County Administration Office, Charlotte Court House
April 25, 2006

Attendance: VRRBAC members Senator Ruff, Read Charlton, Walter Coles, Robert Conner, Dr. Rupert Cutler, John Feild, Watt Foster, Haywood Hamlet, Evelyn Janney, John Lindsey, Curry Martin, Mike McEvoy, and Charles Poindexter; DEQ: Greg Anderson and Michael Keeler; DCR: Tim Ott

Call to Order:

Chairman Poindexter called the meeting to order.

Welcome

Russel B. Clark, Charlotte County Administrator, welcomed the Committee to Charlotte County and voiced appreciation for the work of VRRBAC. He said that the County people were very proud of their County and water resources. A DVD was shown to the committee of various places, people, events, and watersheds of Charlotte County. This included pictures of Clarkston Bridge, The Bruce Estate Staunton Hill, Ingleside, Clover Power Plant, Battlefield Park, 2005 Baseball Champions, Randolph – Henry High School, Greenfield, the Watershed Dams. Robert Conner praised the County on the presentation and believed it really highlighted the County.

Recognition of Members and Visitors:

Chairman Poindexter welcomed everyone and recognized members and guests. Guests included Dr. Nancy Carwile and Gary Walker, Charlotte County BOS, Stephanie, Jerry Lovelace, Halifax Co., DEQ, Frank Simms, AEP, Albert Jones, Southside Messenger, Dottie Akers, Charlotte Gazette, P. K. Pettus, Charlotte Co., and Chester Janney, Floyd County.

January 18, 2006 Meeting Minutes:

These minutes were approved.

Michael Keeler, Virginia Department of Environmental Quality, “Stream Restoration Fundamentals”

- Presentation topics included stream system dynamics, bank-full discharge, stream types, good candidate restoration sites, and examples of restoration / enhancement activities.
- Two universal laws of streams are that they seek a state of stability and seek most efficient transfer and uniform distribution of energy. Over time they change their pattern and shape reacting to disturbance. Streams transfer water and sediment.
- A “stable stream” refers to the ability of a stream to transport the water and sediment of its watershed in such a manner to maintain its dimension, pattern, and profile, over time, without either aggrading (filling in) or degrading (scouring of too much sediment). In the latter case the stream is disconnecting from its floodplain that it needs to be connected to.
- Stability is achieved by balancing the multiple variables of valley morphology, channel slope, stream flow, sediment regime, and channel dimensions. Valley morphology refers to the landscape, steep headwater narrow valley coming off the Blue Ridge Mtns. or is it a broad flat alluvial valley in the piedmont with many farm fields. Channel slope refers to degree of steepness, high or low gradient. Stream flow refers to amount of discharge in the stream, is it a lot or a little. Sediment regime depends upon the type of sediment, such as fine, sand, pebbles, cobbles, boulders, etc. Channel dimension alludes to shape and profile. If one of these variables is altered than generally the rest will be modified as well. Examples of stable streams were displayed and the variables were highlighted.

- Many people want to straighten streams but they seek a naturally stable sinuous pattern. The main factors influencing this sinuous pattern are landscape position & valley slope. Others include sediment load, stream flow, and bed & bank materials. If the bed and bank materials are highly susceptible to erosion then so is the stream and there will be a higher amount of sinuosity. If the materials are cobbles and boulders then it is not as susceptible to erosion and will have less sinuosity. People have studied sinuosity and analyzed the meanders of rivers as large as the Mississippi to much smaller streams. They learned that most stable meander pattern is in the form of a sine-generated curve. Michael used a bow saw blade to demonstrate how energy is transferred and distributed following such a pattern. If the bend is too sharp there is too much energy at the apex and it will start to erode even out the energy distribution. If it is too straight it will develop more sinuosity through erosion and even out the energy distribution. He displayed a map of the N. Fork Shenandoah River, which is large and pretty stable, and showed how the sinuosity of the river would be approximately a 2, which means that stream length is twice as long as the valley length.
- Most of our streams are not stable. The degree of stability is influenced by watershed characteristics. Causes of instability include filling or dredging, dams, road crossings, vegetation removal or conversion, impervious surfaces, hardened stream banks, and livestock access. Filling or dredging alters the shape and physical properties of the stream. Dams change the sediment regime to fine because they pool up the water. The slope decreases upstream while perhaps increasing downstream. Road crossings act as a constriction and forcing the water through a narrowed channel causing a blow out the downstream end. People want to see their streams but vegetation removal or conversion make it more susceptible to erosion. Trees and shrubs have deeper roots which hold the banks in place. When these plants are replaced with grass that have root systems only a couple inches deep damage occurs. Impervious surfaces cause immediate flashy flows and alter the hydrograph. In an undisturbed watershed rain falls on the ground soaking into the earth and entering the stream through the groundwater at the bottom of the stream. In disturbed watersheds we get roadways, driveways, parking lots, and rooftops the water can not soak into the soil and we get flashy high peak flows. More energy is added to the system and corresponding corrections will occur in the stream. Hardened stream banks change energy distribution and it either goes downstream or into the stream bed degrading the channel. The natural shock absorbing ability of the stream is modified. Livestock access can trample the vegetation and adds fine sediments and fecal coliform.
- Characteristics of unstable streams are that they may be channeled (unusually straight), possess improper sinuosity (irregular or unusually sharp meanders), have eroded banks (no vegetation, vertical, slumping, exposed roots), be aggrading (wide and shallow channel), be degrading (narrow and deep channel or incised), contain in-stream sediment bars/islands, have an altered riffle-pool spacing or lack of features, flow in multiple channels, and hold significant debris and blockages. Examples of streams that are unstable were displayed.
- Bank-full discharge is important because it is the primary factor responsible for shaping the stream channel. This is measured in CFS and has an elevation associated to it. In most "natural" streams this corresponds to the 1.5 to 1.8 year storm event, rather than a big storm. Bank-full discharge is the point at which water starts to flow onto the floodplain. In a stable undisturbed non-incised stream this will be the top of the bank. Floodplains allow the water to spread out. Energy gets dissipated and sediment drops out on a flood plain. In an incised stream you get all 3 flow channels, base flow channel, bank-full channel, and flood flow channels all in the same channel. It will act like a hose and burst at the seams when there is too much water flowing through it. On the flood plain the water hardly moves. They are essential to the healthy functioning of a stream.
- When restoring a stream you need to know what type of stream you have and what type you want to change it to. A chart showing the types of streams was displayed and explained. Every stream in the Nation could be fit in one of these categories. There are 9 types displayed but there are dozens of permutations of these stream types. In VA we have about every single one of these. The A type streams are steep gradient, narrow, mountainous, headwater type streams, much like our Blue

Ridge streams. The B streams are still fairly steep with a little more sinuosity and have more width. Both of these types are your trout streams. The C streams are flatter, wider, more sinuous, and have more pools and riffles. The D streams have multiple braided channels and found in the low gradient coastal plain wetland systems like the Chickahominy River. These streams are also found in low gradient coastal plain wetland systems. They are stable as long as they are unaltered. F and G are very unstable, with Fs being wide and the Gs being a gully or ditch. Both are disconnected from their flood plain. What is the most efficient stream type? Many would think the A's and Bs with their steep slope. In reality it is the E streams like the stable parts of the Mississippi. That is a very powerful river that is very good at transporting the water and sediment.

- Characteristics of potential stream restoration sites are an unstable stream, channeled, improper sinuosity, eroded banks, aggrading, degrading, in-stream sediment bars / islands, altered riffle-pool spacing, multiple channels, significant debris and blockages. We need to also think about good constructability including such things as good access and onsite mobility to allow moving equipment and to stockpile materials. We must have the capability to meet stream design requirements so the landscape must have adequate room. There should be a high likelihood of success which is influenced by location in watershed, surrounding land use, and community related constraints such as infrastructure such as roadways utilities buildings etc. Generally higher in the watershed is better because the watershed is smaller and is less disturbed and is more likely not to be further disturbed. A site that is not very developed or a site that is fully developed and degraded but is not likely to be degraded further. The more infrastructures there are the less likely the project will be successful. Still these sites should be considered because these are some of our more degraded streams. However, they are typically harder to deal with.
- What are the Stream restoration/enhancement activities we do? There may be total reconstruction involving dimension, pattern or profile changes. The stream may be moved. Stream bank stabilization through re-shaping, seeding, and planting of banks may be done. Bio-engineering techniques such as coir fiber logs or erosion control matting, re-sloping and making stream banks less vertical. We may place in-stream structures of rock and wood which provide habitat for fish and benthic organisms. These will also protect the stream and its banks from erosion. We may re-connect a stream to the floodplain (bank-full bench) and it can then heal itself. Riparian buffer planting may be conducted. Programs such as CREP are very good at this. However you need to stabilize the stream at the same time so that the plantings are not washed out. Then livestock exclusion can greatly enhance the physical, chemical, and biological properties of the stream.
- A picture of a restoration project at the Forks of the Rivanna River in Albemarle County was displayed. The stream was actually a gully which they called the Canyon. It was 10 feet deep and 4 feet wide at the bottom and had been straightened in the past. Basically the stream was moved and the former channel filled in. It has now been relocated and reconstructed and connected to its floodplain. It has a proper slope and sinuosity. The next step is to replant the bank but they need to eradicate the Johnson grass first. This project was done as a compensatory mitigation project by the Nature Conservancy. It was mitigating for streams being impacted in the watershed
- **Question: Walter Coles asked “what was the acreage required for this project as compared to the previous channel”?** I am not certain but would guess 50 out of about 200 acres. The stream length was increased and there are 200 foot buffers on either side.
- **Question: Read Charlton asked “were any State monies used for this”?** Michael said that it was paid for out of a fund administered by the Nature Conservancy. The contributions come from people who have impacted other streams. VDOT and localities do contribute along with private interests because they can not always do their own compensation. Once the monies are paid they are considered to be private money. Making contributions to this fund is a DEQ permit option for those who are seeking an area to improve since their project was impacting another stream and they could not do their own compensation project.

- A schematic of some in-stream structures was displayed. A cross vane forces water to the center of the stream channel which creates habitat scour pool in the channel. The water next to the bank becomes slow moving. Pictures before and after were shown. You can also have a rock vein coming from one side of the channel to protect one side. All these structure slope upwards as you move down stream. As the water goes up hill it slows down and drops to the center. A J hook was shown and helps elongate the scour pool.
- Other examples of corrective measures were shown such as re-plantings and the use of coir fiber logs.
- **Question: Dr Cutler asked if there was an inventory of potential reconstruction sites of most degraded streams.** DEQ does not keep one but some Counties such as Fairfax and Albemarle are beginning to maintain a list and ranking them for stream restoration. Then DEQ can at least point them in the direction of these sites.
- **Statement: Dr Cutler said in the headwater areas there is a problem maintaining fence during frequent flooding. The farmer is initially cooperative but after doing this several times they become skeptical of the methodology to keep cattle out of the streams.** Michael said this is a problem that is recognized.

Frank Simms, AEP Hydro Support Manager, “Studies at Smith Mountain Lake Associated with FERC Re-licensing”

- Frank thanked the group for the opportunity to speak to them. He stated that AEP has 17 hydroelectric power facilities in 5 different states. He oversees the licensing, compliance, environmental, and some operational issues. This presentation is concerning the AEP Smith Mountain project number 2210 application for a new Federal Energy Regulatory Commission (FERC) license in 2010, which includes the Leesville facilities. The new license will be for a 30 -50 year term, with the period being determined by FERC. This is a pump storage project which started operating in 1964.
- A few facts about the Smith Mountain Lake are that the reservoir is 40 miles long with a shoreline off 500 miles, water storage of 1, 142,000 acre feet, a surface Area of 20,600 acres, full pond level at 795 feet N.G.V.D. The Smith Mountain lake Dam has a length of 816 feet, a height of 235 feet. It is a double curvature concrete arch poured with a volume of concrete measuring 175,000 cubic yards. The dam was completed in 1964. It has 5 powerhouse generating units with varying capacity. Units 1 and 5 are 66 megawatts each, units 2 and 4 are 174 megawatts each, and unit 3 is 106 megawatts. It is capable of releasing flows equivalent to run of the river.
- Leesville reservoir is 17 miles long with a shoreline of 100 miles, water storage of 94,960 acre feet, a surface area of 3000 acres, a normal operating range of 600 feet to 613 feet N.G.V.D. The Leesville Dam has a length of 980 feet and a height of 90 feet. It is a concrete gravity dam poured using a volume of concrete of 100,000 cubic yards. It was completed in 1963. The Leesville Powerhouse has 2 generating units with a capacity of 25 megawatts each. We must meet at a minimum flow of 650 CFS weekly average leaving Leesville. At one time we might pass that down stream in a 1 - 2 day period which contributed to erosion problems downstream. We now auto-cycle flow about every 17 – 20 minutes out of each hour to maintain the minimum discharge flows downstream. We operate in this manner because the units at Leesville do not have the capability to discharge lower flows.
- During normal operation the Smith Mountain Reservoir can fluctuate up to 2 feet in elevation while the Leesville Reservoir can fluctuate up to 13 feet as part of the generate/pump cycle for the Smith Mountain reservoir. The water level at Smith Mountain Lake at normal full pond level is 795 ft. NGVD with a project boundary of 800 ft. NGVD. Leesville normal water level is 613 ft. NGVD and a project boundary at 620 ft. NGVD. So there is property above the water level that falls within our license authority.

- AEP was asked by FERC to be one of the first licensees to participate in the Integrated Licensing Process. A chart of the process was displayed. The FERC reapplication process began in 2003. This is a very schedule intense process to go through. The pre-application period is about a 5 year process that includes meetings, studies, etc. and is the top portion of the chart. We basically put together an environmental assessment and then FERC does their review and awards a license with the conditions AEP will have to operate by for the next license period. The application is due by March 31, 2008. The lower process is the review process and will last about 2 years.
- Activities accomplished through March 2006 are as follows:
 - Notice of intent and pre-application document filed by AEP on 10/25/2004. This listed current conditions at the project and surrounding areas as well as downstream.
 - FERC took this information and prepared Scoping Document No. 1. This was issued on 12/27/2004 which included identification of issues and studies to be done.
 - A Public Scoping Meeting was held on 1/26 & 1/27, 2005.
 - Based on this and other meetings we filed Initial Study Plans on 3/15/2005. This included details of the studies required to fill in information gaps and when they would be done.
 - FERC then released the Scoping Document No. 2 on 4/20/2005, which included more information on the studies they believed need to be done.
 - Initial Work Groups Meetings began on 6/21/2005 and went thru 7/8/2005. These groups worked on the details of the studies and to identify the goals and objectives. The meetings have been well attended by those living at the lakes and the agencies. We would like to get better participation and input from those living downstream. There are studies that affect those areas. Our consultants are all over the region getting the information together.
 - Public Study Plans Meetings were held on 5/12 & 5/13, 2005 to inform the public.
 - There were Revised Study Plans filed 8/11/2005 based on the comments received. There are a lot of agendas and goals and objectives out there and you do your best to satisfy each one. However, it is the simple truth that everyone will not be satisfied.
 - FERC then reviewed all comments and issued the final Study Plan Determination on 9/9/2005.
 - Additional Work Groups Meetings were held 1/11/2006 thru 3/2/2006. These were to insure everyone understood what was to take place and those doing the studies knew the expectations.
 - Study Plans Update Meeting No. 1 was held March 29 & 30, 2006.
- We are now in the middle of the application process. Generally, the target is to try and get the studies done in one year. We have tried to leave additional time if it appears more information is needed. The designated studies for re-licensing are as follows:
 - In-stream Flow Needs: In particular the area from Leesville Dam to the headwaters of Kerr Reservoir. Consideration will be given to the fishery, erosion, and recreation. This is a balancing act and where it gets tough. What flow is needed to accomplish this?
 - Roanoke Log Perch: We know this endangered species is upstream on the Roanoke River and in the Pigg River. Is it downstream or is there habitat down stream for the fish? What can be done to improve the population?

- Erosion: This includes erosion down stream to Brookneal and also Lake shore erosion caused by wind, boats, and pond operating levels. What can be done to improve the erosion situation?
- Sedimentation: We have mapped above the lakes and below the surface of the lakes. What is the depth of sediment that has accumulated in the lakes? Bathymetry technique will be used to examine. Besides the obvious areas like areas on the Blackwater River and upper portions of SML where you visually see sediment. First indications are that there has not been too much. We will look at the extent of the problem. We will evaluate problems inside the project boundary and identify where sediment is coming from. Will also look at outside the boundaries, back into the watershed, to see where it is originating. Where are the hot spots?
- Socioeconomics: How does the project economically affect counties surrounding the project? What will the effect be if changes are made?
- Native & Exotic Aquatic Vegetation: What is present in the boundary of the lakes? Are there problems with a loss of native vegetation or has there been the introduction of invasive vegetation such as hydrilla?
- Recreation Assessment: Within the boundary are adequate facilities provided?
- Angler Use Survey: Why do they and why don't they use the reservoirs.
- Drought & Flood Management: During the recent drought we worked with DEQ and others to manage the flows. The intent is to put together a better plan to better manage flows that ensure adequate flows downstream and to limit level changes in the lakes. We do a pretty good job of managing floods but we believe a better job can now be done with the computer programs available. It is a balancing act between potentially flooding farms or marinas.
- Water Withdrawals: At lake Gaston this was a big issue. These are approved by FERC inside the project boundaries. There are a lot of hoops you must jump through. What we are trying to do is to develop an upper limit. This would limit the studies required for a new withdrawal to the localized effects as long as that maximum value for total consumption is not exceeded..
- Water Quality: There is lots of information out there. There are questions about dissolved oxygen and temperature variations in deep areas and how is it impacted during pump back.
- Fish Entrainment & Impingement: Doing a tabletop study because there is a lot of data about fish surviving going through a turbine.
- Debris: Concern at both lakes about debris coming from upstream. Much of it is removed. One question never answered is should we remove because it provides habitat? Is more needed downstream?
- Navigational Aids: Using bathymetry results the location of markers can likely be improved. There are currently no markers on Leesville.
- Archaeological and Historic Resources: A lot of Archaeological sites in the area. They are on the list for the State Agency or the "SHPO" list. Much of SML has been disturbed, but they are asking us to go down to Leesville and do a phase I archaeological review to see if there are Indian remains/burial sites that they did not know about when the lake was filled. We may find that the State Historic Preservation Officer may determine that SML and Leesville Dams represent some type of historic significance or they may say they are ineligible for the Historic Registry. You laugh but we built Byllesby and Buck in the 1920s and re-licensed it in 1991. They have not changed much. They were reviewed and considered primary examples of early generation in Virginia, so therefore eligible for the Historic Registry. The Russens project on the James has been modified 20 times over the last 50 years and does not even look the same. The officer says that is eligible for the Historic Registry because you improved it regularly and

it is a primary example of updating technology over time. So for these projects I am not going to guess. This information is being managed in-house due to sensitivity concerns about the data.

- Littoral Habitat and Fish Rearing: This is for along the lakes and also goes back to debris, vegetation, and limitations on rip rap placement and dock construction. How do we best protect the habitat and the interests of the people involved?
- Work Groups Meetings held:
 - Navigational Aids June 21, 2005
 - Erosion June 24, 2005 & January 26, 2006
 - Sedimentation June 24, 2005 & January 26, 2006
 - Recreation Assessment June 28, 2005 & February 23, 2006
 - Socioeconomics June 28, 2005 & January 20, 2006
 - Debris July 5, 2005
 - Native and Exotic Aquatic Vegetation July 5, 2005 & February 16, 2006
 - In stream Flow Needs July 6, 2005 & January 11, 2006
 - Water Quality July 7, 2005
 - Fish Entrainment & Impingement July 7, 2005
 - Roanoke Log perch July 8, 2005 & January 11, 2006
 - Angler Use Survey July 8, 2005 & February 23, 2006
 - Drought and Flood Management July 6, 2005 & March 2, 2006
 - Water Withdrawals July 6, 2005 & March 2, 2006
 - Littoral Habitat and Fish Rearing February 16, 2006
 - Historic & Archaeological Resources None; Internal Control
- Consultants are as follows:
 - Devine Tarbell & Associates: Roanoke Logperch , Native & Exotic Aquatic Vegetation, Littoral Habitat & Fish Rearing
 - The Louis Berger Group: In-stream Flow Needs, Socioeconomics, Historic & Archaeological Resources, Recreation Assessment , Angler Use Survey
 - Kleinschmidt Associates: Erosion, Sedimentation, Water Quality,
 - HydroLogics: Drought & Flood Management, Water Withdrawals,
 - Normandeau: Fish Entrainment & Impingement
 - Appalachian Power Company: Navigational Aids and debris
- Future Activities:
 - First Season of Studies: 3/1 thru 12/31/2006
 - Initial Study Report: 9/12/2006
 - Initial Study Report Meeting: 9/27/2006
 - Second Study Report & NOI to File Draft Application 9/12/2007(If selected by Applicant)
 - Updated Study Report Meeting 9/27/2007
 - File Preliminary Draft Application or License Proposal 11/2/2007
 - File for 401 Certification with VDEQ 11/2/2007
 - File Application for New License 3/31/2008
- A Smith Mountain Project No. 2210 Re-licensing Web Site is located at <http://www.smithmtn.com>

- **Question: Dr Cutler asked “To what extent will your study and subsequent license influence use and development the uplands around the lakes?** We have the Lake Shoreline management plan working with the development below the 800 contour at SML and 620 at Leesville. The re-licensing is looking at particular issues such as dock limitations, placement of rip-rap, aquatic vegetation, or vegetation requirements of the management plan. Are these good or not? Re-licensing will likely not change the plan. Where the plan will change could be the 5 year review cycle. The Counties have control down to the 800 and AEP from 800 down.
- **Question: Bob Conner said we did this at Lake Gaston with 5 counties and 2 States. What role does DGIF have in this process, because demands were made by U. S. Fish and Wildlife.** They are very involved and have things they want accomplished but in VA are reasonable to work with. There are interests they want to protect. U. S. Fish and Wildlife are very aggressive and carry a great deal of clout. American Rivers carry a lot of clout also. So far it has not been too contentious.
- **Question: Read Charlton asked if the meetings are a mix of agencies and the public.** Any one can come. We had about 50 at the March 29th meeting and 35 on March 30th. These were advertised in the newspapers. One of the early meetings had over 250.
- **Question: Why is the archeological information not out there for anyone to see?** It is managed by one group. The intent is to keep people from going out there digging up the sites. **Read said on the Columbia River there was a lot of controversy over where the Native American remains were found to go back to a record time period. The whole issue is unsettled.** Dr. Cutler indicated that those remains were turned over to science initially and then turned over for reburial.
- **Statement: Dr. Cutler stated that the beauty of this project for the Roanoke area is the publishing of the data that can be used in the future for PWS withdrawals.** Yes that is correct. \$ 3 million is being spent on the studies and the total cost of the re-licensing project is \$ 7-8 million.
- **Statement: John Feild stated that the Gaston FERC study had flaws in the process in that it requires studies at the expense of the licensee far in excess to what is rational. For instance they required studies for fish ladders, aqueducts etc . so fish could return to their native habitat which obviously would never work because you had Kerr in-between to get to the spawning grounds . FERC process is also flawed because it does not take into account the entire basin. By looking at fragments we do not get a comprehensive view of the entire basin. What might be good for spawning down below Roanoke Rapids and Gaston, getting them up to Lake Gaston does not help them at all. What happens if you put the passage in? They all want to go back down stream after they spawn so that the trophy fish that have been established in the lakes all want to go back downstream. Many studies are really not necessary or viable. A number of these things you may be asked to study you need the backbone and expertise of DGIF to support you.** The difference in the processes is that Gaston did the alternative re-licensing process rather than the integrated process. FERC was not necessarily involved up front in the proceedings making decisions. One thing in both processes is how project is affecting the environment. In the SML project FERC people have been very involved and we are able to get down to 16 studies. They are put on a schedule to make decisions. In regards to the fishery coming upstream, until you tell us in a management plan they can successively reach Leesville there is no need to put in a fish passage. Even the agencies agree to wait until we see what the results. **John said one other aspect of this is that the SML group is working to keep optimum levels for recreation in SML. Your study area cut off at Kerr headwaters. A comprehensive view would require looking at the impact of holding back of water at Leesville at the expense of Kerr Reservoir. Is this being addressed?** We are not going down and look at economics of Kerr Reservoir but we are looking at are the effects on the elevation at Kerr reservoir. There is a misconception that we hold water back at SML. We do not as we have to meet the minimum discharge. What elevation the reservoirs are at is controlled by the dispatch group in Columbus, Ohio. These controls are power driven.

- **Bob Conner said that Kerr was built for flood protection and then got into power. Several years ago there was flood damage at Lake Gaston. Simply need better communication from the upper end to the lower end.** SML is not a flood project. At 800 elevations we look at that as a possible flood storage level. When a situation develops we are in communication with USACE and we attempt to control flow at the Altavista gage at the 16 ft. level. We have to send water down to prepare. For re-licensing we are to meet with USACE to and look at how the agreement might be modified.
- **Question: John Feild asked if they augmented flow during the striper run.** Yes we talk to the players involved during this period. The State was asking for 1900 cfs but the project inflow was only 680, which means the pond would be lowered. We are in communication with DEQ and DGIF. There must be recognition of the impacts on the lakes also. **Do these augmentation flows take Riparian Law into consideration?** Can not answer those questions but I suspect the answer is yes. I think we provide a little more than what would be natural so State can get the boats up the river to work with the fish. **That is one part of the question but with riparian law the landowners should receive flow that did not interfere with their uses. I assume your current release take that into account.** I assume we do. Once we are downstream of Leesville the river is the State Responsibility.
- **Statement: Charles Poindexter stated that it is not clear where 650 cfs came from but everyone believes it is to accommodate those uses including riparian rights.**

Sub-committee Reports:

Agriculture and Forestry

- Haywood spoke about HB 1185 on water withdrawals. Evelyn Janney's Farm Bureau Committee is meeting about it today due to their concerns. It involves the private use of the water. Haywood said the County had worked on it and did not want to be told what to do with its own water. Basically you would need a permit to use your own water even from a farm pond. Senator Ruff apparently said it is up in the air at this point. Robert Conner said with the State Water Policy that at one time each household was going to have to monitor their water use. People were adamantly opposed to it so it was stricken. He was surprised this would come up in some other way. Subsequent to this meeting the Governor vetoed the bill. Below is his explanation.

GOVERNOR'S VETO

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1185, which would significantly alter protection for riparian rights in the Commonwealth.

The common law of Virginia establishes a framework that protects the riparian rights of those who use our waterways for agricultural, municipal, industrial, recreational and other beneficial uses. This bill would elevate agricultural use to a preferred position in a way that could have significant long-term consequences for downstream uses (including farms, municipal water systems and industry). It could also negatively affect a four year-long effort to undertake water supply planning for our Commonwealth.

My administration is working with farmers in a cooperative spirit to make sure that new regulations address the concerns of all stakeholders. This is the appropriate way to address this subject.

Accordingly, I am vetoing this bill.

- Stephanie Heintzleman, Charlotte County Assistant Administrator spoke about some undertakings in Charlotte County that may be of interest to VRRBAC. She said Charlotte County was not required to submit a plan until 2007. However, we set aside \$55K from the Tobacco Allocation for a Water Supply Planning match and have since received a grant from DEQ for meeting the State requirement for a Regional Plan.. We are putting together a plan and may even

connect the 4 water systems and sewer systems in the County. This would be in Charlotte Court House, Keysville, Drakes Branch, and Phoenix. An added benefit is that the leadership in the different areas of the county is communicating on a regular basis. There are 14 dams in Charlotte County that are being inspected today by the SWCD. Also some roads are being declared Scenic Byways including State Rt. 47, parts of Rt. 40, portions of roads leading to Patrick Henry's "Red Hill" and to Staunton River Battlefield State Park.

Municipal Interests and Permit Holders (MIPH)

John Lindsey said this sub-committee is tasked with determining future water needs. The objective is to determine the long term needs of the basin are and how the known supplies will meet those needs. We know we have a finite resource. We want to establish a baseline to work off. Some where down the road there may not be enough water to meet all the needs. We have developed this survey and would like to contact the users in the basin. A copy was passed to the members. We are asking for basic information such as contact information, location of intakes, future growth plans. Their guess will be better than ours. I want everyone be on board with me when I send it out. John Feild said that some information may be available from DEQ. John said I have their list. Robert Conner said the Southside PDC had the data. He suggested contacting each PDC and requesting the data from them. He believes the information will include water and sewer information. John asked if he had their support in contacting the PDCs. Chairman Poindexter indicated this was fine. R. B. Clark said that information may not be available in the PDC serving Charlotte County. That information may have to come from the counties. Greg is to send John the contact information for the PDCs.

Rivers:

Watt Foster discussed the shortage of rainfall. The striper spawn is going on and the flows have been augmented. Read Charlton said the White Bass came back very well this year. Watt said fishermen are saying it's the best in memory. John Feild said that DGIF had thought the White Bass population had collapsed last year, so this is good news.

Water:

Mike McEvoy had to leave for another meeting and had told Chairman Poindexter that he really had nothing to report, other than everyone is working on their water supply plan.

Lake Interests:

- Bob Conner indicated that there was a situation at Poplar Creek at Lake Gaston that made headlines. The Water Safety Committee in conjunction with the Coast Guard and DGIF made a recommendation to the BOS to make a curvy area 240 feet wide in-between 3 buoys as a No-Skiing and No-Tow zone. This was passed by the BOS. We have news media here today and it seems to be a tendency when covering the adverse positions on matters the protesting groups gets all the attention. People contacted the media and legislative members, saying that they did not want this zone in there. All of us are running into problems on the lakes. There are more boats every year with bigger engines. I foresee the day when operating licenses will be required. VRRBAC needs to push these safety issues with the Legislature. If we do not no one else is. We had a young girl paralyzed and another person killed in a Jet Ski accident last year. Someone ran into the back of the Jet Ski with a boat. This happens because there are no safety regulations on the lake. These things go 50 mph and boats are even faster. Anyone can hop in or on and take off without any training. We need to work on this safety issue on the Lakes and get some legislation to enforce. Chairman Poindexter reported that was considerable citizen concern about safety issue at SML. We have 2-3 fatalities a year. Local Government and other groups have listed this in our legislative agenda and we have sought collaboration with some of the other government and lake groups. Franklin County endorsed the Boating Safety Task Force recommendations last year. This group is interacting with the legislature and DGIF to get SML's safety problems fixed. We are working on boater training, license, speed, noise control and also extra patrols from DGIF. Many of the imitative failed this

year but I believe we did get some money for increase patrols by DGIF. However a lot was carried over until next year and I solicit your help and others to work on this to present to the legislature. I would like to propose that we get something together with the legislature Robert Conner stated that he would like to craft a resolution for the legislature representing the entire Roanoke River Basin and associated lakes viewpoint. This is getting to be a bigger problem every year. Curry Martin said a problem this year with the proposed legislation mentioned lakes above a 500 ft. elevation and the business community thought this seemed to single out SML, and could hurt tourism. If it had been a statewide bill then it is believed it would have passed. The only thing that got through was that on a violation a judge could require a boating safety course. The East Lake Business Association proposed setting the penalty structure at a level that meant something including large fines (\$2500-5000) and long term (3 years) suspensions of drivers' licenses. As long as there are minimum fines and penalties people will not care but put some teeth in them then you will get their attention. Such fines decrease Virginia Drunk Drivers by over 60 %. Robert Conner said he gets more calls in favor of the new buoys than those opposed. We should craft a resolution covering all our concerns on the Roanoke River Basin. Chairman Poindexter suggested that the Lakes sub-committee prepare a position paper on lake water safety and bring a draft resolution to the next meeting. NC requires a certain age as does VA, 16 years old. There is nothing on noise, HP or speed. Read said he was fishing at Briery Creek Lake and they have a maximum HP limit on that lake. DGIF did this. John Feild stated that if and when the Bi-State Commission meets this would be a topic to bring to the table. We need to the 2 States to be on common ground with these laws and there should be reciprocity as far as Gaston and Kerr Lakes are involved.

- John Feild reported that the U. S. Army Corps of Engineers (USACE) had contracted with the Town of Henderson and others to provide water from Kerr. This was consummated in a committee and there was not a public input process. There was no comprehensive view of the impacts of such a contract. We would like to see a government entity operate in the light of day. He talked to Terry Brown, Director of Water Management for the Wilmington USACE office, about our concerns. Essentially Henderson, Vance County, Soul City, and Oxford have become a partner like Va. Beach as they have an allocation of storage. We have talked previously about water transfers to Wake County and the Raleigh area being inter-basin of basin transfers and it now looks like the next straw is in place. I expect them to sell water to Wake County in the near future. This impacts the reservoir and likely set some precedents that will cause us heartburn down the road. The newspaper recently stated that recreation areas on the lake could potentially be closed. The effected facilities would be Staunton View at the junctions of the two rivers, Palmer Point near the dam, and Ivy Hill on the NC side. I am encouraging our local officials, and perhaps we should take a stand also, to direct comments to the USACE about the impacts of such closures on the local communities. The Volunteer Fire Departments use the facilities to load their tankers with water and it could impact the tax appraisal on property in 50 year old communities that have been valued based on their proximity to access points. It could be that this is just a strategy to get citizens to write their congressmen so that funds are restored to the budget. Nevertheless, these unilateral changes can impact the communities and we need to contact our legislators to see if more money can not be directed to keep these access points open. It will have an impact on tax values, recreational uses, and fire safety. Staunton View is a primary access point for canoeists and also impacts turkey hunters and white bass/stripers fishermen. Another name for Staunton View is "Pizmo" Beach or Clarks Pool. Haywood said he had heard from a number of people that were against this closure. It really impacts fishermen because boaters go to Bluestone. John Feild replied that historically I believe there was a commitment to have a recreational area in each locality contiguous to the lake. This would eliminate the only Corps area in Charlotte County. This closure would require the people of Charlotte/Mecklenburg Counties will have to drive all the way to Staunton River State Park. These days that is a lot of gas. I believe the Charlotte and Mecklenburg Counties, and others should go on record with the USACE on this. The savings to the government would be minimal and I bet they could get local civic groups to volunteer to clean up the trash. Haywood Hamlet suggested that Charlotte County act upon this issue. Bob Conner said if Charlotte County would send a copy of their draft resolution to Brunswick County he would see that it would be supported by his county. Chairman Poindexter said this was a wider problem because they are saying the same thing at Philpott Lake. Robert Conner suggested that VRRBAC should send a resolution to

the USACE and say that they should consult with the effected localities prior to closing such recreational facilities rather than acting unilaterally. Haywood Hamlet asked if DGIF had any say in this at all. No, this is Federal. John Feild said DGIF had another facility up on Rt. 360. Haywood indicated if we did a resolution perhaps we could forward a copy of this to Ward Burton to see if he could get on board with support. John Feild replied that this area was to be a free area from the start because it would cost as much to collect a use fee as you would get. I was in the chair at that time and know how the decision went. There needed to be a free area in each locality anyway to provide recreational opportunities to the citizens who had their land taken for the reservoir flooding. The savings to Uncle Sam can not be enough to warrant the impact to the public. This is particularly true since the "Southside" of Virginia is beginning to embrace recreation and tourism. If we see a curtailment of recreational opportunities it will impact the image that Southside is trying to project, that this is a great area to bring families to enjoy a quality recreation experience. Dr. Carwile mentioned that they did some kind of survey. Is this available on line because it often helps when you do a resolution to know what their rationale was so that you can formulate counter arguments. John Feild said he got his information from a news article. Chairman Poindexter said it was a budget thing, as it is happening across Virginia. John Feild responded that it cost X number of dollars to cut the grass, pick up the litter, provide ranger patrols etc. So they will say we can save "X" number of O & M dollars by closing these facilities. The impacts go far and beyond that because if they don't consider the public safety implications of this it would be unfortunate. However it would be easy for these people not to be aware of this because it is out of their realm. Chairman Poindexter summarized by saying this is a Federal Project so the US Representatives and Senators need to be contacted and informed about the lack of public process, budgets, and the impacts to the local communities and the public. In addition DGIF has a stake here so we need to contact them. Who is going to do what? Robert Conner said that the Charlotte County resolution from the local standpoint should be sent to other counties in the basin for support. Secondly a resolution should be sent to the Federal Congressmen, such as Representative Goode, Senator Allen, and others. R. B. Clark said we know who to get it to and how to distribute it but we need some help in writing the language and your review. Email us some language and we will do the rest. John Feild said we should have individualized resolutions from the different Boards. We can certainly assist with the wording, but we should not just pass on the same trite message, giving the appearance that it was just run off on the copy machine. Dr. Carwile you read the same article that I did, and I am sure the information at the News Progress and The Sun, the newspapers indigenous to my area, have the gist of the story that they could be referenced and say that these closures will have following impacts and take a position for or against or request other studies as the decision process moves forward. RB Clark said I was only suggesting that the other counties might want to support Charlotte/Mecklenburg. Bob Conner said he agreed but for this Committee we should craft our own too. John Feild indicated somebody need to be a catalyst for action and that this could be the reason why the Corp made this announcement, to get some grass roots opposition which would prompt the legislators to take appropriate action. R B Clark said Charlotte Co. would contact Mecklenburg and work with them to draft a resolution. How much time do we have? John Feild said the closures would not take place until next year. So we have a little time. Greg is to email Charlotte County the key points and they will work with Mecklenburg to get out a resolution. The issue will be on our agenda next time for consideration. This is a national issue as the Park Service is doing a similar thing.

- John Feild informed the Committee that Clarksville recently installed their green lights on the bridge. It coincides with other efforts in Southside to redirect economic activity towards tourism. This complements other undertakings to make Southside a popular destination for tourism such as "rails for trails" and historical sites.

Other Business:

Funding:

Senator Ruff let Charles know before he had to leave that DEQ had made arrangements in its budget to provide the committee some funding for travel. However the budget is still up in the air so stay tuned.

Reappointments:

Approximately half of the citizen members are up for reappointment by the end of June. Letters should be forthcoming.

Future Meetings:

Bob Conner suggested that we meet along the VA-NC line and invite some of the NC group that apparently has met as a subcommittee. He recommended a meeting in late July or even early August. Bob Conner is to communicate with Rep. Lucy Allen and ascertain their interest in participating in such a meeting. He will let us know what he determines. It was decided that the next meeting would be held at the John H. Kerr Dam facility. A date will be set after gauging of NC's interest. If we give enough notice we could possibly get a tour of the power facilities.

Adjournment:

Tour of Village Square: Members stayed to tour the Village Square of Charlotte Court House. Stephanie Heintzleman, Assistant County Administrator, led the tour.